

SHU FANG ZHENG
USCIS A # : A077122483

- against -

Defendants.

07-cv-3664-ENV-RML

On November 19, 2008, Magistrate Judge Robert M. Levy issued his Report and Recommendation that plaintiff's complaint be dismissed for failure to prosecute this action pursuant to Federal Rule of Civil Procedure 4(m) and for failure to comply with Magistrate Judge Levy's October 17, 2008 Order to Show Cause. Neither plaintiff nor defendants have objected to Magistrate Judge Levy's Report and Recommendation within the time prescribed by 28 U.S.C. § 636(b)(1).

In reviewing a magistrate judge’s Report and Recommendation, this Court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate,

to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985). See also Greene v. Trustees of Columbia University, 234 F.Supp.2d 368, 370-71 (S.D.N.Y. 2002); Pizarro v. Bartlett, 776 F.Supp. 815, 817 (S.D.N.Y. 1991).

The Court finds Magistrate Judge Levy's Report and Recommendation as to the dismissal of the complaint for failure to prosecute to be correct, well-reasoned, and free of any clear error. The Court therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court.

Accordingly, the complaint is dismissed with prejudice for failure to prosecute this action. The Clerk of the Court is directed to close this case.

SO ORDERED.

DATED: Brooklyn, New York
December 17, 2008

s/ENV

ERIC N. VITALIANO
United States District Judge